

IN RE: PETITION FOR ZONING VARIANCE
NW/3 Langport Avenue, 334 1/2
SW of the c/l of Wise Avenue
(1762 Langport Avenue)
12th Election District
7th Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-339-A

Daniel J. Bialecki, et ux
Petitioners

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit a front yard setback of 17 feet in lieu of the required 25 feet for a proposed addition, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. Mr. David Walenge, a representative with Patio Enclosures, Inc., appeared and testified on behalf of the Petition. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted. It is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of March, 1988 that a front yard setback of 17 feet in lieu of the required 25 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance

is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMH:bjs

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.1 (B202.3C1) to permit a front yard setback of 17 feet in lieu of the required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather, bugs, mosquitoes, flies, etc.
5. Improve appearance of house.

Property is to be posted and advertised as prescribed by Zoning Regulations. For no reason, the undersigned, legal owner(s) of the property, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Address
City and State

Attorney's Telephone No.:
Address
City and State

ORDERED BY The Zoning Commissioner of Baltimore County, this 10th day of March, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 10th day of March, 1988, at 10 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2 HOUR.
AVAILABLE FOR HEARING - NEXT TWO MONTHS.

Zoning Commissioner of Baltimore County.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12th
Posted for: 12th day of March, 1988
Petitioner: Daniel J. Bialecki, et ux
Location of property: NW/3 Langport Ave., 334 1/2 SW of Wise Ave.
Location of Sign: NW/3 Langport Ave., 334 1/2 SW of Wise Ave.
Remarks: 17 foot front yard setback.
Posted by: J. Robert Haines
Date of return: 2/16/88

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle
4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222
February 11, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case 88-339-A - P.O. #97386 - Reg. #N1077 - 74 line was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one SUCCESSIVE weeks before the 12th day of February 1988; that is to say, the same was inserted in the issues of Feb. 11, 1988

Kimbel Publication, Inc.
per Publisher.
By: J. Robert Haines

LEGAL DESCRIPTION OF PROPERTY

Beginning on the Northwest side of Langport Avenue, 60' wide, at the distance of 334', southwest of the center line of Wise Avenue. Being Lot 92, in the subdivision of Eastcrest. Book No. 24, Folio 096. Also, known as 1762 Langport Avenue, in the 12th Election District.

March 8, 1988

Mr. Daniel J. Bialecki
1762 Langport Avenue
Baltimore, Maryland 21222

RE: Petition for Zoning Variance
NW/3 Langport Avenue, 334 1/2 SW of the c/l of Wise Avenue
12th Election District - 7th Councilmanic District
Case No. 88-339-A

Dear Mr. Bialecki:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMH:bjs
Enclosures

cc: Mr. David Walenge
Patio Enclosures, Inc.
224 8th Avenue, N.W.
Glen Burnie, Maryland 21061

People's Counsel
File

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 11, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, MD, appearing on Feb. 11, 1988.

THE JEFFERSONIAN,

J. Robert Haines
Publisher

832 18

88-339-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 14th day of December, 1988.

Petitioner Daniel J. Bialecki, et ux
Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

December 14, 1987

FEB. 23 1988

Mr. Daniel J. Bialecki
1762 Langport Avenue
Dundalk, Maryland 21222

RE: Daniel J. Bialecki, et ux
NW/S Langport Avenue, 334' ± c/l
M. Wise Avenue (1762 Langport Avenue)
Petition for Zoning Variance
Case No. 88-339-A

Dear Mr. Bialecki:

Please be advised that \$71.74 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward
to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

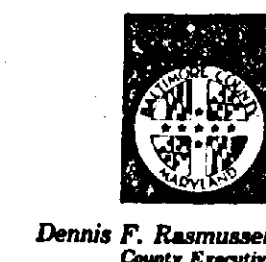
DATE: 2/4/88 ACCOUNT: 88-339-A

AMOUNT: \$ 76.74

RECEIVED FROM: Daniel Bialecki

FOR: Robert & Mary 3/4/88 Haines

VALIDATION OR SIGNATURE OF CASHIER



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-339-A
NW/S Langport Avenue, 334' ± c/l N. Wise Avenue
(1762 Langport Avenue)
12th Election District - 7th Councilmanic District
Petitioners: Daniel J. Bialecki, et ux
DATE/TIME: THURSDAY, MARCH 4, 1988 at 2:00 p.m.

Variance to permit a frontyard setback of 17 feet in lieu of the required 25 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

December 23, 1987

Mr. Daniel J. Bialecki
1762 Langport Avenue
Dundalk, Maryland 21222

Re: Hearing Notice Correction

Dear Mr. Bialecki:

In reference to Case Number: 88-339-A, please note that the Hearing Notice should read as follows:

DATE: Friday

DATE: March 4, 1988

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11-17-87 ACCOUNT: 88-339-A

AMOUNT: \$ 35.00

RECEIVED FROM: Daniel Bialecki

FOR: Robert & Mary 3/4/88 Haines

VALIDATION OR SIGNATURE OF CASHIER



Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

December 9, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Daniel J. Bialecki, et ux

Location: NW/S Langport Ave., 33' ± c/l N. Wise Avenue

Item No.: 184

Zoning Agenda: Meeting of 12/1/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] 12/1/87 Noted and
Special Inspection Division Approved: [Signature] Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

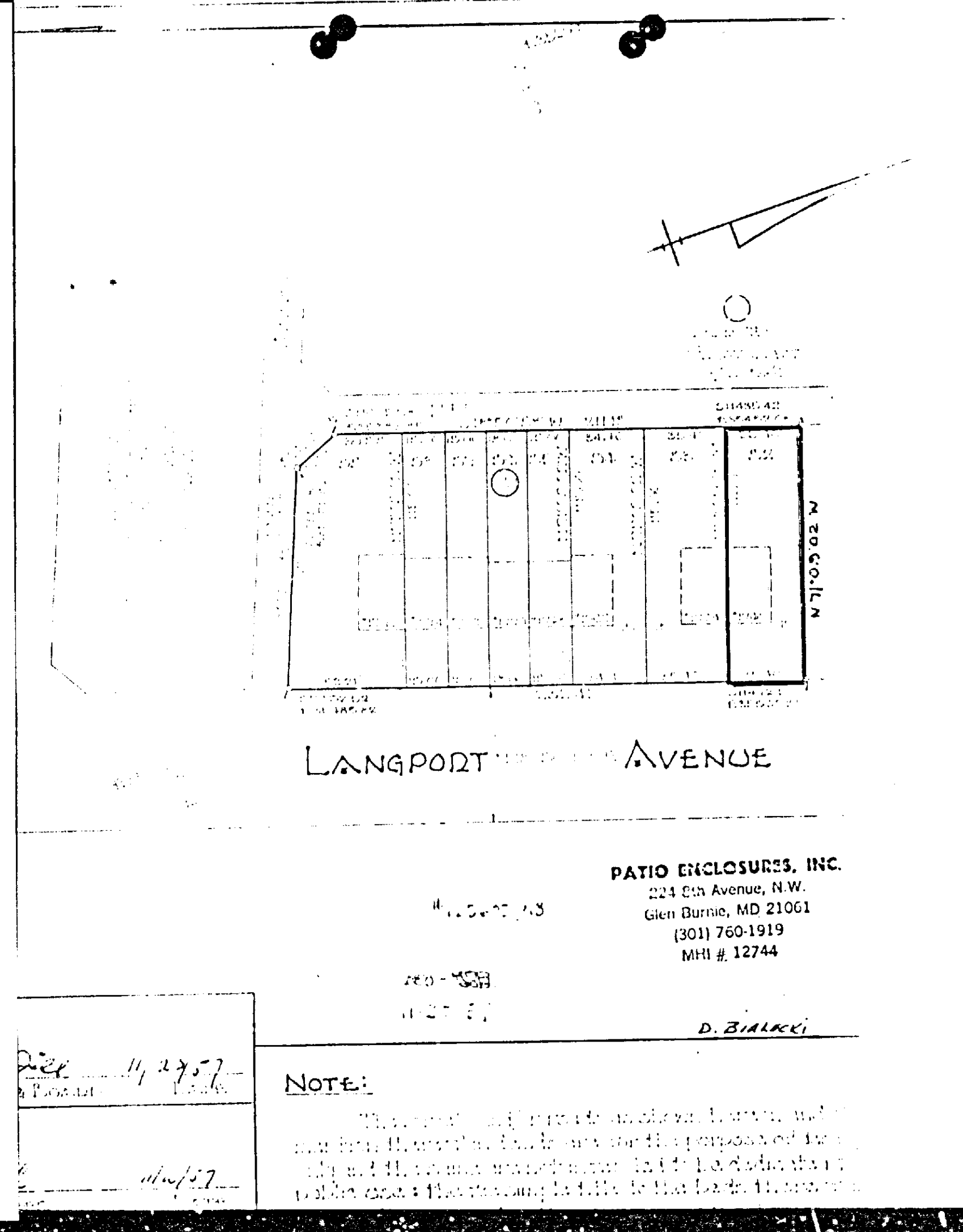
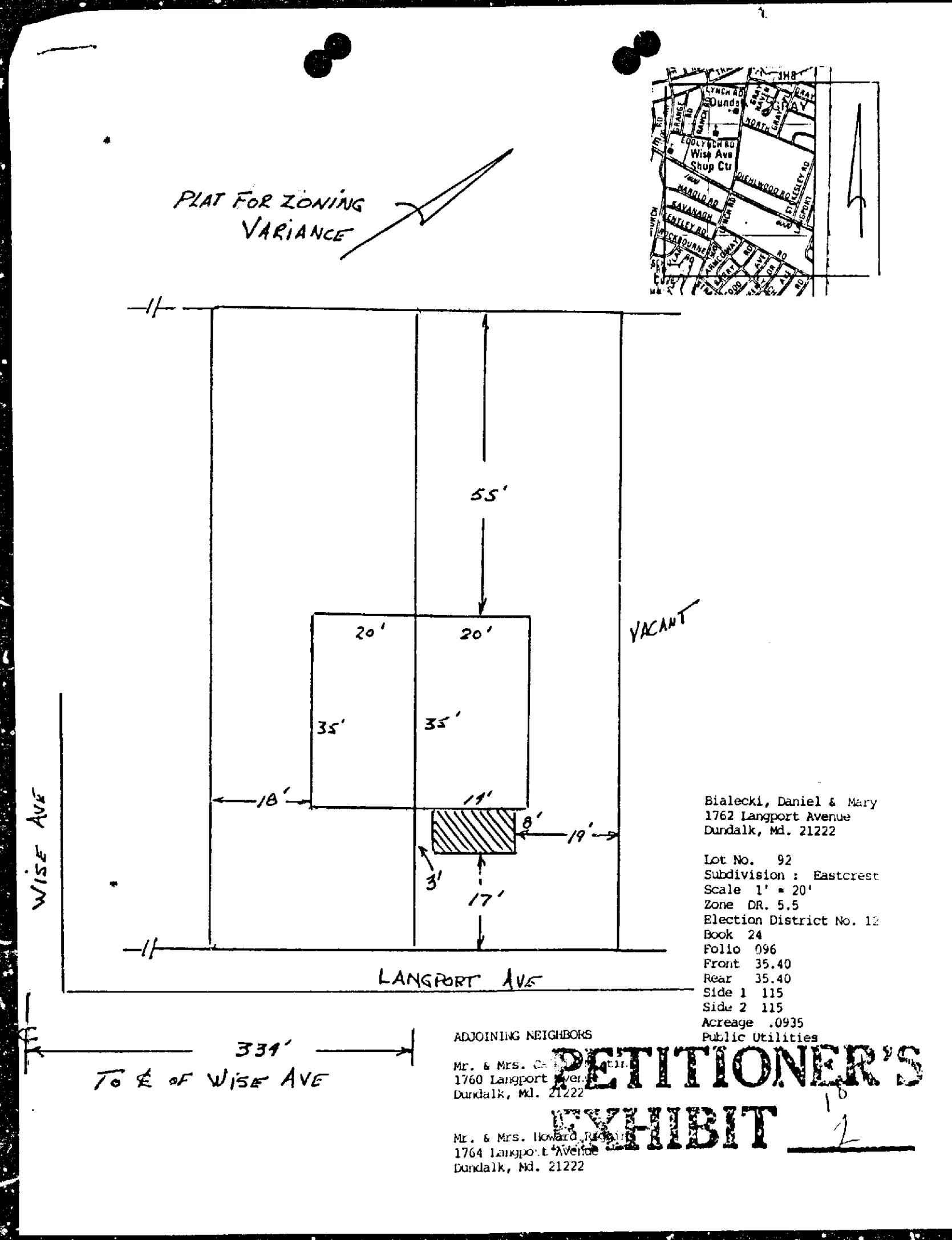
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: January 14, 1988
FROM: P. David Fields
Director of Planning and Zoning
Zoning Petition Nos. 88-325-A, 88-326-A,
SUBJECT: 88-322-SETH, 88-330-A, 88-336-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
P. David Fields
Director

PETITIONER(S) EXHIBIT (2)



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 18, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Daniel J. Bialecki
1762 Langport Avenue
Dundalk, Maryland 21222

RE: Item No. 184 - Case No. 88-339-A
Petitioner: Daniel J. Bialecki, et ux
Petition for Zoning Variance

Dear Mr. Bialecki:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb
Enclosures

cc: Patio Enclosures, Inc.
224 8th Avenue, N.W.
Glen Burnie, Maryland 21061